

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANA TORRES, *et al.*,

Plaintiffs,

**ORDER**

-against-

**24-cv-1301 (PAE) (JW)**

SAIA MOTOR FREIGHT LINE LLC, *et al.*,

Defendants.

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**JENNIFER E. WILLIS, UNITED STATES MAGISTRATE JUDGE:**

This matter has been referred for settlement. Dkt. No. 11.

Should the Parties wish to schedule a settlement conference, the Parties are directed to contact Courtroom Deputy Christopher Davis via email at [WillisNYSDChambers@nysd.uscourts.gov](mailto:WillisNYSDChambers@nysd.uscourts.gov) to provide at least three mutually agreeable dates. Any conference will be held in person at Courtroom 228, 40 Foley Square, New York, New York. The Parties are directed to file a status letter by **October 1, 2024 at the latest** advising this Court as to whether a settlement conference would be productive.

Parties must attend in person with their counsel. Corporate Parties must send the person with decision-making authority to settle the matter to the conference. The Parties **are required** to prepare pre-conference submissions in accordance with Judge Willis's [Standing Order for All Cases Referred for Settlement](#). These letters must be submitted **five business days prior to the date of the conference**. See § 3 of the Standing Order, ("no later than 5 business days before the conference, counsel for each party must send the Court by email a letter, marked "Confidential Material for Use Only at Settlement Conference," which should not be sent to the other parties. The letter should be sent to [WillisNYSDChambers@nysd.uscourts.gov](mailto:WillisNYSDChambers@nysd.uscourts.gov). This ex parte letter must not exceed 3 pages...The letter should include, at a

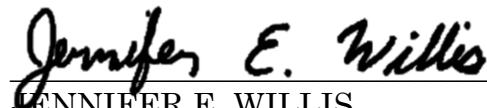
minimum, the following: (a) the history of settlement negotiations, if any, including any prior offers or demands; (b) your evaluation of the settlement value of the case and the rationale for it; (c) any case law authority in support of your settlement position; and (d) any other facts that would be helpful to the Court in preparation for the conference.”).

**The Parties are also required to jointly fill out the attached form** and submit it via email at least five business days prior to the conference.

Finally, should either Party wish to discuss a possible declaration of bankruptcy, a limited ability to pay an award, or lack of access to cash to fund a settlement, the Parties are strongly encouraged to discuss such issues with opposing counsel prior to the settlement conference and to provide documents in their confidential *ex parte* letters that speak to their financial condition.

SO ORDERED.

DATED: New York, New York  
April 5, 2024

  
JENNIFER E. WILLIS  
United States Magistrate Judge

# SETTLEMENT CONFERENCE FORM

This form should be completed jointly by the Parties and emailed to [WillisNYSDChambers@nysd.uscourts.gov](mailto:WillisNYSDChambers@nysd.uscourts.gov) at least five business days prior to the conference. The answers to this form **will be kept confidential**.

Please cite to the relevant docket entry where appropriate.

1. Has a deadline for fact discovery been set in this case? If so, is discovery closed?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, the discovery deadline is/was\_\_\_\_\_

2. Is there a deadline for expert discovery?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, the expert discovery deadline is/was\_\_\_\_\_

3. Is either Party waiting to receive records (medical records, payroll records, expert reports, etc.) important to its case?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, what are those records?\_\_\_\_\_

Is the Party still prepared to settle even without receipt of those documents?

\_\_\_\_\_

4. Has a Motion to Dismiss or Motion on the Pleadings Been Filed?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, did the District Judge rule on the Motion to Dismiss?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please list the surviving claims below:

\_\_\_\_\_

5. Has a Motion for Summary Judgment Been Filed?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, did the District Judge rule on the Motion?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, what did the District Judge rule?

Granted\_\_\_\_\_ Denied\_\_\_\_\_ Granted in part \_\_\_\_\_

**6. Are attorney's fees part of the damages calculation? If so, to date, what are the total attorney fees accumulated in the case?**

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, \$\_\_\_\_\_

**7. What are the estimated attorney fees for each side for the next stages of the litigation?**

Plaintiff \$\_\_\_\_\_ Prefer Not to answer\_\_\_\_\_

Defendant\$\_\_\_\_\_ Prefer Not to answer\_\_\_\_\_

**8. Are there any financial constraints affecting the settlement discussions the Court should be aware of?**

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, what are those financial constraints?\_\_\_\_\_

**9. What was Plaintiff's last best offer? When was this offer made?**

\$\_\_\_\_\_

Date of Offer:\_\_\_\_\_

**10.What was Defendant's last best offer? When was this offer made?**

\$\_\_\_\_\_

Date of Offer:\_\_\_\_\_

**11. Are there any other impediments to settlement that the Court should be aware of?**

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please describe.\_\_\_\_\_